

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

Criminal Complaint

v.

Tomas LUCAS-Ignacio

CASE NUMBER: 06-70M

REDACTED

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about 5-22-06 in Sussex County, in the District of Delaware, defendant(s) an alien and subject of Guatemala, was found in the United States after being deported to that country on or about 4-4-03, and the defendant was knowingly in the United States, and prior to the defendant's return to the United States the defendant did not have the permission of either the Attorney General or the Undersecretary for Border and Transportation Security, Dept. of Homeland Security in violation of Title 8 United States Code, Section(s) 1326 further state that I am a(n) Special Agent, ICE and that this complaint is based on the attached Affidavit.

Michael J. Deshaies

Signature of Complainant
SA Michael Deshaies, ICE

Sworn to before me and subscribed in my presence,

May 30, 2006

Date

at

Wilmington, DE
City and State



Honorable Mary Pat Thyng
United States Magistrate Judge
Name & Title of Judicial Officer

M. P. Thyng

Signature of Judicial Officer

AFFIDAVIT

I, Michael J. Deshaies, being duly sworn, depose and say:

1. I am a Special Agent with the United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement (ICE), Dover, Delaware. I have been employed as a Special Agent since October 01, 1997, when the INS employed me. The INS was transferred to the U.S. Department of Homeland Security as the Bureau of Immigration & Customs Enforcement in March 2003.

2. This investigation is based upon information provided by INS/ICE records, National Crime Information Center (NCIC), National Records Center (NRC), FBI records, and my own observations and interviews.

3. On or about May 22, 2006, the ICE/Dover office received notification from the Georgetown, Delaware Police Department advising that Alejandro ZACARIAS AKA: Tomas LUCAS-Ignacio, born [redacted] 1969 in Guatemala, was in custody.

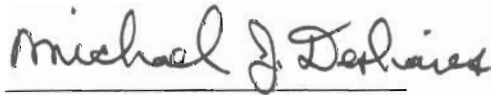
4. On May 22, 2006, ICE Special Agent Michael Deshaies interviewed Tomas LUCAS-Ignacio at the Sussex Correctional Institute in Georgetown, Delaware. The subject stated that his true and correct name is Alejandro MATEO-Zacarias and that he was born on [redacted] 1970 in Guatemala. He further stated that he last entered into the United States illegally without inspection by an immigration officer on or about May 10, 2001 near El Paso, Texas.

5. Your affiant has reviewed INS/ICE alien database records that indicate Tomas LUCAS-Ignacio, born March 26, 1969 was removed from the United States on two occasions: July 8, 1999 from New Orleans, Louisiana to Guatemala and April 04, 2003 from Houston, Texas to Guatemala.

6. Your affiant queried the subject's fingerprints in an automated system. The results of that query showed that Tomas LUCAS-Ignacio was deported on the two occasions cited above. The FBI database found that the fingerprints submitted matched FBI#327707JA1 with the name on record of Carlos HUMBERTO-Diaz AKA: Tomas LUCAS-Ignacio. The FBI record indicates that the subject has used at least ten aliases in the past.

7. An INS status verifier at the National Records Center where file A70 171 496 is located sent a faxed copy of a properly executed Form I-205 Warrant of Deportation indicating Tomas LUCAS-Ignacio was removed from Houston, Texas to Guatemala on April 04, 2003. Furthermore, no application for advance permission to reapply for admission into the United States from either the Attorney General or the Undersecretary for Border and Transportation Security of the Department of Homeland Security was found in INS file A70 171 496.

WHEREFORE, your affiant avers that there is probable cause to believe that Alejandro MATEO-Zacarias AKA: Tomas LUCAS-Ignacio, a citizen and national of Guatemala, was removed by the INS to Guatemala July 08, 1999 and April 04, 2003, and prior to his reembarkation at a place outside the United States, neither the Undersecretary for Border and Transportation Security, Department of Homeland Security nor the Attorney General of the United States had expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, 1326(a).

A handwritten signature in cursive script, reading "Michael J. Deshaies". The signature is written in dark ink on a light background.

SA Michael J. Deshaies, ICE